



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/762,423

01/22/2004

Paul B. Moody

260-008

4901

44185

7590

04/02/2009

LOTUS AND RATIONAL SOFTWARE

David A. Dagg, Esq.

44 Chapin Road

Newton, MA 02459

EXAMINER

NICKERSON, JEFFREY L

ART UNIT

PAPER NUMBER

2442

NOTIFICATION DATE

DELIVERY MODE

04/02/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,423	<b>Applicant(s)</b> MOODY ET AL.	
	<b>Examiner</b> JEFFREY NICKERSON	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to Application No. 10/762,423 filed 22 January 2004. The request for continued examination presented on 18 January 2009, which provides change to claims 1 and 4, is hereby acknowledged. Claims 1-9 have been examined.

### ***Claim Objections***

2. The RCE presented on 18 January 2009 providing change to claim 4 is noted. All prior objections to the claims are therefore obviated and hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 2442

Regarding claim 1, this claim recites "*displaying ... a visual indication of whether any of said plurality of documents accessed by said remote computer system user are currently opened by said remote computer system user*". Applicant asserts support for this limitation can be found in Figure 12 and pg 27, lines 1-18 of the specification. After careful consideration of the aforementioned figure(s) and specification excerpt(s), the examiner must respectfully disagree with applicant's assertion. Figure 12 contains the text "No open documents", which is clearly a visual indication that none of the plurality of documents are currently opened. However, this does not provide support for "*a visual indication of whether any of said plurality documents ... are currently opened.*" With respect to the specification, the cited excerpts explain that the visual indication may include information such as "*documents accessed by the selected user, the time and date of such accesses, and comments regarding the actions performed during the accesses*". The specification further details an "audit trail" is maintained that chronicles a users past performed actions. Nowhere, however, in either the asserted specification except or cited drawing, can the examiner find support for "*a visual indication of whether any of said plurality of documents .... are currently opened*".

Regarding claims 2-9, these claims inherit the non-supported features of their parent claim(s).

Art Unit: 2442

6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, this claim recites “*detecting a selection of said awareness display object associated with said remote computer user and said special icon by said local computer system user*”. This limitation could have multiple, distinct meanings:

1) detecting a selection of said awareness display object associated with said remote computer user by said local computer system user; and

detecting a selection of said special icon by said local computer system user.

OR

2) detecting a selection of a first awareness display object by said local computer system user; and

wherein said first awareness display object is the awareness display object associated with both said remote computer user and said special icon.

Clarification is therefore required with regard to this limitation.

Regarding claims 2-9, these claims inherit the indefinite features of their parent claim(s).

### ***Response to Arguments***

7. Applicant's arguments filed 18 January 2009 have been fully considered but they are not persuasive.

Independent claim 1

Applicant argues the combined teachings of Green et al (US 2004/0172456) and Cohen et al (US 6,507,845 B1) fail to teach several limitations of this claim. Specifically, applicant argues the combined teachings fail to teach the following limitations:

*displaying, by said awareness client application process, in response to said detecting said selection of said awareness display object associated with said remote computer system user and said special icon by said local computer system user, only said document access activity information regarding said remote computer system user, together with a visual indication of whether any of said plurality of documents accessed by said remote computer system user are currently opened by said remote computer system user, in said user interface displayed on said local computer system;*

*wherein said document access activity information includes the identity of a plurality of documents accessed by said remote computer system user.*

The examiner respectfully disagrees. Green teaches displaying, by said awareness client application process, in response to detecting said selection of said awareness display object, associated with said remote computer system user and said special icon by said local computer system user, only said awareness information regarding said remote computer system user, in said user interface displayed on said local computer system (Green: Figure 6; [0068]-[0069]); and

wherein said awareness information includes awareness object information of a plurality of awareness objects accessed by said remote computer system user (Green: [0068]-[0074] provides the pop-up may include information for each of multiple emails, phone calls, or calendar events).

Cohen teaches wherein awareness information is document access activity information; wherein awareness object information is an identity; wherein awareness objects are documents (Cohen: col 6, line 46 – col 7, line 3; Figure 10, item 218; Figure 21, item 218b; col 6, lines 35-45; col 7 line 61 – col 8, line 5; col 8, line 62 – col 9, line 7); and

displaying a visual indication of whether any of said plurality of documents by said remote computer system user are currently opened by said remote computer system user (Cohen: Figure 10, item 218; Figure 21, item 218b; col 6, lines 35-45; col 7 line 61 – col 8, line 5; col 8, line 62 – col 9, line 7).

Therefore, the combined teachings provide for the above argued limitations, and the rejections below will have their citations updated accordingly.

Applicant's arguments are unpersuasive and, therefore, the rejections of these claims are hereby withdrawn.

#### Dependent claims 2-9

Applicant argues these claims conditionally on that of their parent, independent claim.

Art Unit: 2442

Applicant's arguments are unpersuasive and, therefore, the rejections of these claims are hereby withdrawn.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al (US 2004/0172456 A1), and in further view of Cohen et al (US 6,507,845 B1).

Regarding claim 1, Green teaches a method for providing remote user activity to a local user, comprising:

obtaining, by an awareness client application process executing on a local computer system, from an awareness server application process executing on a server computer system, an online status of the said remote computer system user (Green: [0004]-[0005]; [0039]-[0044]);

displaying, by said awareness client application process, within a user interface displayed on said local computer system, an awareness object associated with said remote computer system user, wherein said awareness display object displays an



Art Unit: 2442

identity (screen name) of said remote computer system user, wherein said awareness display object further includes a visual indication of said online status of said remote computer system user (Green: Figure 6; [0064]-[0066]; [0039]);

obtaining, by said awareness client application process on said local computer system, responsive to said displaying said awareness display object associated with said remote computer system user, awareness information regarding said remote computer system user (Green: Figure 6, item 606; [0068]-[0069]);

displaying, by said awareness client application process, a special icon in said user interface displayed on said local computer system (Green: Figure 6, item 606; [0068]-[0074]);

detecting a selection of said awareness display object associated with said remote computer user and said special icon by said local computer system user (Green: Figure 6; [0069] provides for selecting by hovering the mouse cursor over the mail icon);

displaying, by said awareness client application process, in response to detecting said selection of said awareness display object, associated with said remote computer system user and said special icon by said local computer system user, only said awareness information regarding said remote computer system user, in said user interface displayed on said local computer system (Green: Figures 6 and 7; [0068]-[0069] provide for displaying information about the emails received and sent to this particular buddy); and

wherein said awareness information includes awareness object information of a plurality of awareness objects accessed by said remote computer system user (Green:

Art Unit: 2442

[0068]-[0074] provides the pop-up may include information for each of multiple emails, phone calls, or calendar events).

Green does not teach wherein awareness information is document access activity information; wherein awareness object information is an identity; wherein awareness objects are documents; or

displaying a visual indication of whether any of said plurality of documents by said remote computer system user are currently opened by said remote computer system user.

Cohen teaches wherein awareness information is document access activity information; wherein awareness object information is an identity; wherein awareness objects are documents (Cohen: col 6, line 46 – col 7, line 3; Figure 10, item 218; Figure 21, item 218b; col 6, lines 35-45; col 7 line 61 – col 8, line 5; col 8, line 62 – col 9, line 7); and

displaying a visual indication of whether any of said plurality of documents by said remote computer system user are currently opened by said remote computer system user (Cohen: Figure 10, item 218; Figure 21, item 218b; col 6, lines 35-45; col 7 line 61 – col 8, line 5; col 8, line 62 – col 9, line 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Cohen for including awareness information about document access activity. The teachings of Cohen, when implemented in the Green system, will allow one of ordinary skill in the art to incorporate document access activity into a buddy list. One of ordinary skill in the art would be

Art Unit: 2442

motivated to utilize the teachings of Cohen in the Green system in order to increase the effectiveness of communication and awareness between buddies of a buddy list.

Regarding claim 2, the Green/Cohen system teaches wherein said document access activity information regarding said remote computer system user further comprises times at which each of said plurality of documents was accessed by said remote computer system user (Green: [0068] provides time and date information is maintained with corresponding awareness object about the respective awareness data; Cohen: Figure 16, item 232 depicts that each associated action by a user contains time information; col 8, lines 40-50 specifies the document history feature).

Regarding claim 7, the Green/Cohen system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to indicate whether any document access activity information regarding said local computer system user is to be shared with other users (Green: [0007]-[0014] provide the user of the local system defines if any awareness information is to be shared with other users; Cohen: col 6, line 46 - col 7, line 2 for wherein awareness information is document activity access information).

Regarding claim 8, the Green/Cohen system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to specify document access activity information regarding said

Art Unit: 2442

local computer system user that is to be shared with other users (Green: [0007]-[0014] provide the user of the local system defines the awareness information shared with other users; Cohen: col 6, line 46 - col 7, line 2 for wherein awareness information is document activity access information; See also col 8, lines 40-50).

Regarding claim 9, the Green/Cohen system teaches further comprising presenting an interface to said local computer system user, wherein said interface enables said local computer system user to specify one or more other users with which document access activity information regarding said local computer system user is to be shared (Green: [0008]-[0011] provides the user can choose which buddies to share awareness information with; Cohen: col 6, line 46 – col 7, line 2 for wherein awareness information is document activity access information; See also col 8, line 51 – col 9, line 7).

10. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al (US 2004/0172456 A1), in view of Cohen et al (US 6,507,845 B1), and in further view of Begole et al (US 2004/0039630 A1).

Regarding claim 3, the Green/Cohen system teaches wherein document access activity information further comprises activities by said remote computer system user to access each of said plurality of documents.

The Green/Cohen system does not teach wherein said document activity information further comprises numbers of keystrokes and mouse clicks.

Art Unit: 2442

Begole, in a similar field of endeavor, teaches wherein said document activity access information further comprises numbers of keystrokes and mouse clicks (Begole: [0060]-[0062] specifies that the rhythm service logs keystrokes and mouse clicks for particular applications).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Begole for monitoring and logging the keystrokes and mouse activity. The teachings of Begole, when implemented in the Green/Cohen system, will allow one of ordinary skill in the art to track, via an in depth logging, awareness information about documents. One of ordinary skill in the art would be motivated to utilize the teachings of Begole in the Green/Cohen system in order to create awareness about shared documents or user activities regarding documents and applications.

Regarding claim 4, the Green/Cohen/Begole system teaches wherein said document access activity information further comprises names of application programs used by said remote computer system user to access said plurality of documents (Begole: [0113] specifies that data is organized with respect as to which application is handling the activity).

Regarding claim 5, the Green/Cohen/Begole system teaches wherein said document access activity information further comprises actions performed during document

Art Unit: 2442

accesses by said remote computer system user (Cohen: Figure 16, item 232 depicts the user actions being recorded and displayed; See also col 8, lines 40-50).

Regarding claim 6, the Green/Cohen/Begole system teaches wherein said presenting said document access activity information comprises presenting said document activity information in at least one pop-up display window (Cohen: Figure 16, item 232 depicts a pop-up window occurring over the UI; See also col 8, lines 17-38).

#### ***Citation of Pertinent Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Glasser et al (US 7,418,495 B2) discloses an IM system with activity updates.
- b. Gray (US 7,292,685) discloses a collaboration system that automatically identifies users with common work preferences (such as document activity) and groups them accordingly.
- c. Henderson et al (US 2002/0109716 A1) discloses a communication system that maintains a history of activities for remote users and suggests activities to the local user based on the remote user activity histories.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./  
Jeffrey Nickerson  
Examiner, Art Unit 2442

/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442